

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested. Claims 9-16 are pending in the present application, with claims 9, 15, and 16 being independent.

Information Disclosure Statement

As noted in the responses filed on January 26, 2004, and on August 5, 2004, an Information Disclosure Statement and PTO-1449 Form were filed on September 4, 2001. However, there is still no indication that the Examiner considered the documents identified on the PTO-1449 Form.

Accordingly, the Examiner is respectfully requested to acknowledge consideration of the documents by initialing the PTO-1449 Form and returning a copy of the initialed form to the undersigned.

Claim Rejections

The Examiner rejected claims 9-16 under 35 U.S.C. §103(a) as being unpatentable over *Henderson* (US 6,011,595) in view of *Edge et al.* (US 6,362,808). This rejection is respectfully traversed insofar as it pertains to the presently pending claims.

The independent claims are generally directed to an apparatus and method for converting image data into output image data by

using a lookup table. This lookup table is composed of characteristic points that are points indicating a relationship between supplied image data and output image data that are determined to be impossible to be interpolated when a process for converting image data is performed.

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion of motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference must teach or suggest all the claim limitations, see *In re Vaeck*, 947 F.2d 48, 20 USPQ2d 1438 (Fed.Cir.1991).

In rejecting the independent claims, the Examiner alleges that *Henderson et al.* teaches that a lookup table is composed of characteristic points that are determined to be impossible to be interpolated when a process for converting image data is performed. Specifically, the Examiner states on page 3 of the outstanding Office Action that the lookup table of *Henderson* "stores indicators of color values inside a key color volume and outside the key color volume, which [the] Examiner interprets as color impossible to be interpolated."

First, Applicants would like to direct the Examiner's attention to column 4, lines 45-50 of Henderson et al., in which it is taught that "key color volumes are defined where the shape of the key color volume varies with luminance level to reflect the three-dimensional nature of the distribution of key color values." These stored key color values in the lookup table are then utilized to test whether color values in an image fall within a key color volume, thereby determining an output value, see column 8, lines 32-37. However, Henderson et al. specifically notes that instead of utilizing this multi-dimensional lookup table in order to determine the output value, interpolation techniques can be used. Specifically, in column 8, lines 53-55, it is taught that "alternatively, interpolation techniques such as tri-linear interpolation or tetrahedral interpolation, can be used to estimate the intermediate output values," emphasis added. Thus, the values in Henderson et al.'s lookup table can be interpolated.

In view of the above, it should now be clear that Henderson et al. does not teach that a lookup table is composed of characteristic points that are points indicating a relationship between supplied image data and output image data, which are determined to be impossible to be interpolated.

Edge et al. also fails to make up for the deficiencies of Henderson et al. Thus, the combination of Henderson et al. and Edge et al. is not obvious in view of the claims, because the alleged

combination of the references do not teach or suggest all of the features of the claims, as is required in order to substantiate a *prima facie* case of obviousness.

Dependent claims 10-14 should be considered allowable at least for depending from an allowable base claim.

Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Martin Geissler (Reg. 51,011) at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

Michael K. Mutter, Reg.#29,680

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MKM/MBG:tm
0649 0799P

Attachement: Copy of Form PTO-1449 dated Sept. 4, 2001

